

1637
160
MS PETITION
PATENT
0230-0162P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Kenji ASANO et al. Conf.: 3321
Appl. No.: 09/856,717 Group: 1654
Filed: May 25, 2001 Examiner: C. TATE
For: CAMMADELTA T CELL IMMUNOACTIVITY
ENHANCERS CONTAINING EXTRACT OF LENTINUS
EDODES MYCELIIUM

OCT 22 2004
TECH CENTER 1600/2900

PETITION TO WITHDRAW ABANDONMENT
SINCE REPLY WAS TIMELY FILED

MS PETITION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

October 19, 2004

Sir:

In response to the Notice of Abandonment mailed September 20, 2004, which issued in connection with the above-identified application, this is a Petition to withdraw the "abandonment status" of the present application, since a Reply was timely filed on February 19, 2002.

1. EVIDENCE

As evidence of the fact that a Reply was timely filed, enclosed herewith are the following:

- a copy of the Reply filed February 19, 2002; and
- a copy of the postcard receipt which was date-stamped on February 19, 2002.

2. TERMINAL DISCLAIMER

☒ The present application was filed on or after May 29, 2000. Accordingly, no Terminal Disclaimer is necessary. It is noted that the present Petition is being timely filed within two (2) months of the mailing date of the Notice of Abandonment. Accordingly, no reduction in patent term adjustment should be made, in accordance with the provisions of 37 C.F.R. § 1.704(c)(4).

☐ The present application was filed on or after June 8, 1995 but before May 29, 2000. The present Petition is being timely filed within two (2) months of the mailing date of the Notice of Abandonment. Accordingly, no Terminal Disclaimer under 37 C.F.R. § 1.321(a) is necessary. See MPEP § 711.03(c).

☐ The present application was filed on or after June 8, 1995 but before May 29, 2000. The present Petition is being filed more than two (2) months from the mailing date of the Notice of Abandonment. Accordingly, a Terminal Disclaimer under 37 C.F.R. § 1.321(a) and the required fee set forth in 37 CFR 1.20(d) are being submitted concurrently herewith. The period being disclaimed is equivalent to the period between (1) the date that is two months after the mail date of the notice of abandonment and (2) the filing date of the present petition to withdraw the holding of abandonment. See MPEP § 711.03(c).

It is requested that the abandonment status of the present application be immediately removed so that prosecution may resume with full consideration and entry into the record of the timely filed Reply.

If the U.S. Patent Examiner has any questions regarding the above matters, please contact Applicants' representative, MaryAnne Armstrong, PhD, #40,069, at the phone number listed below.

It is submitted that no fees are required for filing this Petition, since the error occurred because of a mistake on the part of the U.S. Patent and Trademark Office.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

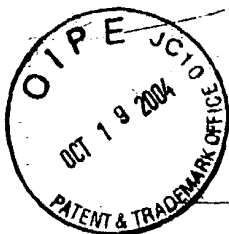
BIRCH, STEWART, KOLASCH & BIRCH, LLP

By ma arm
MaryAnne Armstrong, PhD, #40,069

GMM/MAA/csm
0230-0162P

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

Attachments: Copy of Reply
Copy of postcard receipt



OCT 22 2004

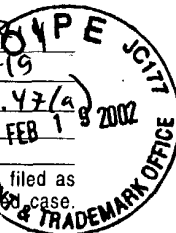
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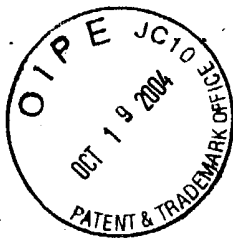
Papers Filed herewith on: February 19, 2002 59
DOCKET NO.: 0230-0162P ATTY.: Empl/MAA
APPLICANT(S): Kenji ASANO et al.
APPLN. NO: 09/856,717 FILED: May 25, 2001
PAT NO.:

- ☐ New Application with Transmittal Letter
☐ Utility ☐ Design ☐ CIP ☐ PCT ☐ Provisional
☐ Filing Under 37 CFR 1.53(b) ☐ CONT ☐ DIV
☐ Filing Under 37 CFR 1.53(d) (CPA)
☐ Filing Under 37 CFR 1.114(RCE)
☐ Specification Consisting of: _____ pages
☐ Combined Declaration & Power of Attorney
☐ Assignment / Cover Letter
☐ Letter to Official Draftsman
☐ Drawings _____ Sheets ☐ Formal ☐ Informal ☐ Red-Ink
☒ Completion of Filing Requirements, PCT/DO/EQ/905
or ~~Formalities Letter~~ and Executed Declaration
☐ Priority Document(s) / Cover Letter, No. Doc. _____
☐ Amendment: _____
☐ Transmittal Ltr ☐ Large Entity ☐ Small Entity
☐ Response _____
☐ Information Discl Stmt. PTO-1449(s) _____ ref(s)
☐ Notice of Appeal ☐ Appeal Brief
☐ Issue Fee Transmittal
☒ FEES: 91960.00 - ct # 5030719 **PE**
☐ ~~Letter~~ 9130.00 - ct # 5030719
☒ Other: Petition under 37 CFR 1.47(a) **PE**
FEB 1 8 2002

DOCKET NO. 0230-0162P

Receipt is hereby acknowledged of the papers filed as
indicated in connection with the above identified case.
COMMISSIONER OF PATENTS AND TRADEMARKS
Due Date: 2-19-02
Handcarry: _____





PATENT
0230-0162P

IN THE U.S. PATENT AND TRADEMARK OFFICE

OCT 22 2004

TECH CENTER 1600/2900

Applicant: Kenji ASANO et al. Conf.:
Appl. No.: 09/856,717 Group: Unassigned
Filed: May 25, 2001 Examiner: Unassigned
For: T CELL IMMUNOACTIVITY ENHANCERS CONTAINING
EXTRACT OF LENTINUS EDODES MYCELIUM

PETITION UNDER 37 C.F.R. § 1.47(a)

Assistant Commissioner for Patents
Washington, DC 20231

February 19, 2002

Sir:

1. This petition is to declare that the non-signing inventor cannot be reached or located, notwithstanding diligent effort, or refuses to sign the oath or declaration after having been presented with the same.

2. Attached hereto as an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116.

3. Fee Payment

- ☒ The surcharge fee the late filing of the declaration (37 C.F.R. § 1.17(i)) in the amount of \$130.00 was paid on May 25, 2001.
- ☒ The petition fee (37 C.F.R. § 1.17(h)) in the amount of \$130.00 is attached.
- ☐ Please charge Deposit Account No. 02-2448 in the amount of \$0.00. This form is submitted in triplicate.

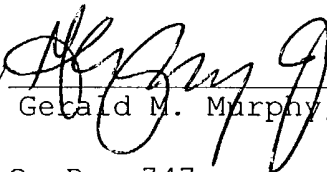
4. Statement of non-signing inventor's last known address:

Yutaka TAJIMA
10-511, Yaemizo 3-chome
Saga-shi, Saga 849-0935 JAPAN

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 
Gerald M. Murphy, Jr., #28,977

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(703) 205-8000

GMM/MAA/bsh
0230-0162P

Attachments